



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

MAR 16 2005

Mr. Michael D. Harris
Acting Environmental Compliance Manager
New Castle County Department of Special Services
87 Reads Way
New Castle, DE 19720

Re: NPDES No. DE0050547
Public Notice Number DE-285-JML

Dear Mr. Harris:

Enclosed is a copy of the Public Notice detailing the Environmental Protection Agency's (EPA) intention to approve modifications to your pretreatment program, including local limits and legal authority, in accordance with Section 403.11 of the General Pretreatment Regulations. Also enclosed is a listing of the specific documents to be included in the public notice. If you disagree with any of the listings, or if any documents have been omitted, please let me know as soon as possible. After completion of the 30-day comment period, you will be notified of EPA's decision to approve or disapprove these modifications.

Thank you for your cooperation. If you have any questions, please do not hesitate to contact me at 215-814-5790.

Sincerely,

A handwritten signature in black ink that reads "John Lovell". The signature is written in a cursive style.

John Lovell
Pretreatment Coordinator

Enclosures

cc: Peder Hansen, DE DNREC (w/enclosures)

Customer Service Hotline: 1-800-438-2474

Documents Included in Pretreatment Program Modification Approval
Public Notice Number DE-285-JML

- New Castle County Substitute Ordinance No. 1 to Ordinance No. 04-171 adopted 12/29/04
- Revised local limits including:
 - ✓ “Pollutant Effluent Limitations” submitted October 1, 1997
 - ✓ Revisions to Local Limits submitted November 25, 1998
 - ✓ Addendum to Local Limits Submission dated December 29, 1998
 - ✓ Response to Comments on Local Limits Submission dated April 20, 2000
 - ✓ Response to Comments on Local Limits Submission dated January 8, 2001
 - ✓ Response to Comments on Local Limits Submission dated June 20, 2001
 - ✓ Response to Comments on Local Limits Submission dated February 8, 2002
 - ✓ Response to Comments on Local Limits Submission dated May 21, 2002

PUBLIC NOTICE

Environmental Protection Agency Region III
Office of Municipal Assistance (3WP24)
1650 Arch Street
Philadelphia, PA 19103-2029

Public Notice Number: DE-285-JML

Public Notice Date: MAR 28 2005

The following Publicly Owned Treatment Works (POTW), has requested approval of modifications to its approved pretreatment program:

Name and Address of Applicant (Permittee)

New Castle County Department of Special Services
87 Reads Way
New Castle, DE 19720

NPDES Permit Number: DE0050547

Receiving Stream: Appoquinimink River

Procedures for Final Determination

The Environmental Protection Agency, Region III, is issuing the following notice of proposed action under the Clean Water Act, as amended, and implementing regulations.

The permittee has requested approval of modifications to a POTW pretreatment program in accordance with the requirements of 40 CFR 403.18 and the request is being public noticed by the EPA in accordance with 40 CFR 403.11. The modifications to the permittee's pretreatment program include local limits and legal authority.

The program modifications submission is available for inspection and copying at the Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103-2029. Further information may be obtained by writing to the above address or by calling John Lovell at 215-814-5790.

Persons wishing to submit comments or object to the EPA approval of the above POTW pretreatment program modifications, or to request a public hearing pursuant to the Federal Water Pollution Control Act, must submit their comments or request in writing within thirty (30) days of the date of this notice to the above EPA address. If no comments to this notice are received, the proposed pretreatment program modifications referenced above will be approved without changes and without further public notice. In such event, this notice shall constitute the "notice of approval or disapproval" required by 403.11(e) and no additional notice shall be provided. Anyone who wishes to be given a notice of approval or disapproval of the modifications should send a request for such notice to the above EPA address.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JAN 31 2005

Mr. Michael D. Harris
Acting Environmental Compliance Manager
New Castle County Department of Special Services
87 Reads Way
New Castle, DE 19720

Re: Pretreatment Program
NPDES No. DE0050547

Dear Mr. Harris:

I have received the January 10, 2005 letter from Ms. Dorey Cole which provided a copy of the adopted revisions to the County's pretreatment ordinance. In the near future, you should be receiving a copy of the public notice that EPA will publish to solicit public comment on the County's local limits and other ordinance revisions. If no significant public comment is received, it is EPA's intent to approve the program modifications after the 30-day comment period.

As you are probably aware, the County ordinance also adopted the local limits for the City of Wilmington. In addition to the County's adoption of the Wilmington limits, it is my understanding that the Wilmington limits also must be adopted by the City of Newark, and the County will be working with Newark to ensure that this adoption occurs. Since the adoption of the Wilmington limits by Newark is the only remaining step before we can begin the approval process on the Wilmington limits, I am hoping that the County will help expedite the Newark adoption to the extent possible.

If you have any questions regarding this matter, please contact me at 215-814-5790.

Sincerely,


John Lovell
Pretreatment Coordinator

cc: Peder Hansen, DE DNREC
Matthew Miller, City of Wilmington

Customer Service Hotline: 1-800-438-2474



DEPARTMENT OF SPECIAL SERVICES

January 10, 2005

Via Regular Mail

Mr. John Lovell
Pretreatment Coordinator
United States Environmental
Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

**Re: Pretreatment Program
New Castle County Ordinance**

Dear Mr. Lovell:

Attached please find a fully executed copy of the Ordinance adopting revised local limits and additional changes to New Castle County's pretreatment regulations.

If you have any questions, please do not hesitate to contact me at (302) 395-5320.

Very truly yours,

Dorey L. Cole
Assistant County Attorney

DLC/III
Attachment



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

NOV 26 2004

Ms. Dorey L. Cole
Assistant County Attorney
New Castle County Department of Special Services
87 Reads Way
New Castle, DE 19720

Re: Pretreatment Program
NPDES No. DE0050547

Dear Ms. Cole:

I have completed review of the draft ordinance submitted on November 10, 2004. Based on this review, I have a few comments that need to be addressed prior to adoption of the ordinance in order for it to be acceptable for approval by EPA.

40 CFR 403.12(o) requires that industrial users maintain records generated under the pretreatment program for a minimum of three years. This provision also details the specific records that must be maintained. Section 308.02.703.G.1 of the draft ordinance includes some record keeping requirements, but does not include the time frame or the detail necessary. Therefore the record keeping requirements in the draft ordinance will need to be expanded to more closely follow 40 CFR 403.12(o).

40 CFR 403.12(e) and (h) require that users subject to national categorical standards and other significant industrial users submit monitoring reports at least twice per year. While the County ordinance generally authorizes the County to require these monitoring reports through the permits issued to categorical and other significant users, the requirement to submit the semiannual reports must apply to categorical and other significant users independent of whether a permit has been issued. This is to ensure that the requirement applies even to users that may not have been identified by the County, and therefore may not have been issued a permit. As noted in our conversation, although EPA regulations include separate provisions for categorical and other significant industrial users, the County ordinance can include the requirement in a single provision for all significant users since categorical users are otherwise considered significant.

Finally, in reviewing the draft revisions to the local limit in Section 38.02.703.A, I believe that I discovered two typographical errors. Based on the documentation in our files, it appears that the County had previously proposed that the copper limit for the MOT service area be revised to 1.00 mg/l, and the TKN limit for the MOT service area be added as 15 mg/l. Please let me know if the County does not agree with these values.

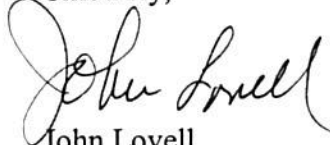
Customer Service Hotline: 1-800-438-2474

Upon receipt of the adopted ordinance with the changes noted above, we will be able to begin the approval process for the changes to the New Castle County pretreatment program. As discussed, EPA must publish a 30-day public notice of our intent to approve the changes. If no significant comments are received, EPA would then approve the revisions.

In regard to the Wilmington local limits, in addition to the County ordinance, we will also need a copy of the ordinance for the City of Newark adopting the Wilmington limits before proceeding with the public notice and approval of those limits. Therefore, it appears that the approval of the two sets of limits will occur in separate time frames. If this will be a problem, please let me know. Note that we have received a request on behalf of NVF Company for notification of the comment period for the City of Wilmington limits. It is unclear whether this will lead to comments on the Wilmington limits during the public notice period.

Please forward a copy of the County ordinance after it has been adopted. If you have any questions regarding this matter, please contact me at 215-814-5790.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lovell", written in a cursive style.

John Lovell

Pretreatment Coordinator

cc: Peder Hansen, DE DNREC



DEPARTMENT OF SPECIAL SERVICES

November 10, 2004

Via Regular Mail

Mr. John Lovell
Pretreatment Coordinator
United States Environmental
Protection Agency, Region III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

**Re: Pretreatment Program
Proposed New Castle County Ordinances**

Dear Mr. Lovell:

Attached please find a copy of the draft Ordinance that the Department of Special Services of New Castle County ("County") is proposing to introduce to County Council on December 7, 2004 for adoption.

This Ordinance amends Chapter 38, Articles 2 and 3 of the New Castle County Code to include the revised local limits for the City of Wilmington Wastewater Treatment Plant, the revised limits for the Middletown-Odessa-Townsend ("MOT") Wastewater Treatment Plant, and the new provisions to implement the fats, oil and grease program required as a part of the Delaware Department of Natural Resources & Environmental Control's ("DNREC") Secretary's Order No. 2003-W-0053. In addition, this Ordinance enacts the recommendations and requirements contained in your June 2002 letter to the Department of Special Services.

The Department of Special Services welcomes any further comments or revisions from the EPA. As previously stated, the Department of Special Services is planning to introduce this Ordinance on December 7, 2004, and, thus, if you would like to provide further comments, your revisions must be received by Friday, November 26, in order to be considered for incorporation into the Ordinance.

If you have any questions, please do not hesitate to contact me at (302) 395-5320. Thank you for your attention to this matter.

Very truly yours,

Dorey L. Cole
Assistant County Attorney

DLC/III
Attachment

cc: Joseph J. Freebery, General Manager, NCC Special Services
Dennis Siebold, Acting County Attorney, NCC Law
Tracy Z. Surles, Senior Manager, NCC Special Services
J. Wayne Merritt, Senior Manager, NCC Special Services
Susan Amadio, NCC Special Services
Jit Asthana, c/o NCC Special Services
David Bowie, NCC Special Services
Theodore Deboda, NCC Special Services
Michael Harris, NCC Special Services
David A. Hofer, NCC Special Services
Regis Yurcich, NCC Special Services



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Mr. Michael D. Harris
Acting Environmental Compliance Manager
New Castle County Department of Special Services
87 Reads Way
New Castle, DE 19720

JUN 13 2005

Re: NPDES No. DE0050547
Public Notice Number DE-285-JML

Dear Mr. Harris:

I am pleased to approve the modifications to the local limits and legal authority of the New Castle County pretreatment program in accordance with the General Pretreatment Regulations (40 C.F.R. 403). The intention to approve this modification was announced to the public on March 28, 2005, and no comments were received. A listing of the documents included in this approval is enclosed.

The Environmental Protection Agency's General Pretreatment Regulations describe the local pretreatment responsibilities based on the Clean Water Act. The pretreatment program that New Castle County implements must be consistent with these regulations and your approved program.

If this Agency can be of any assistance to you in administering this program, please contact John Lovell at 215-814-5790.

Sincerely,

Victoria P. Binetti
Associate Director for
Municipal Assistance
Water Protection Division

Enclosure

cc: Peder Hansen, DE DNREC (w/enclosure)

Customer Service Hotline: 1-800-438-2474

Documents Included in Pretreatment Program Modification Approval
Public Notice Number DE-285-JML

- New Castle County Substitute Ordinance No. 1 to Ordinance No. 04-171 adopted 12/29/04
- Revised local limits including:
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 - ✓ Response to Comments on Local Limits Submission dated February 8, 2002
 - ✓ Response to Comments on Local Limits Submission dated May 21, 2002

Local Limits Revision Approval Checklist

1. Facility Name	New Castle County, DE
2. Permit No.	DE0050547
3. Actual Facility Flow	0.5 mgd
4. Date of Submission	Original submission 10/1/97; with revisions 11/25/98, 12/29/98, 4/20/00, 1/8/01, 2/8/02, and 5/21/02
5. Date of Acceptance	6/7/02
6. Describe Modifications (up/down/pollutants)	<p>Less stringent - copper, lead, and nickel The new evaluation used actual monitoring data for calculation of removal rates and non-industrial loadings which resulted in higher allowable influent loadings, and therefore higher allowable local limits. In all three cases, the local limit proposed for adoption is significantly more stringent than the calculated limit (copper - 3.38 calculated, 1.0 proposed; lead - 19.4 calculated, 3.0 proposed; nickel - 3.78 calculated, 1.0 proposed)</p> <p>Dropped - aluminum, beryllium, cyanide, selenium, thallium Aluminum, beryllium, and thallium are not normally required to be evaluated and are not discharged above background levels by the industries in the service area. Since alum is added at the treatment plant, an industrial limit for aluminum is not appropriate. Cyanide and selenium are not generally detected in the influent to the POTW or at the industrial users, and therefore no limit is necessary to control the users.</p> <p>Added - phosphorus, TKN</p> <p>Other - PCBs changed from 0.0001 mg/l to no discharge.</p> <p>No Change - arsenic, cadmium, chromium (T), chromium (+6), mercury, silver, zinc, ammonia, phenolics, BOD, TSS</p>
7. What Arsenic WQ Standard was used?	0.05 mg/l
- If not 0.01 mg/l, would it impact analysis? How?	The local limit for arsenic is based on the human health criteria, so use of the more stringent criteria would result in a lower calculated limit. However, since the lower criteria is based on drinking water standards and there is no drinking water intake downstream, this does not appear to be an issue. Since the arsenic limit is not changing, this limit is not a part of this approval.

8 Reason for Modification (Permit requirement, etc.)	October 1997 submission was made in response to an audit recommendation; NPDES permit issued on 9/28/98 required revisions to the previous submission in accordance with EPA comments.
9. Receiving Stream	
- Name	Appoquinimink River (POTW uses spray irrigation when available and only discharges when spray irrigation is not possible).
- Designated Use	industrial and agricultural water supply, primary and secondary contact recreation, and maintenance of fish, aquatic life, and wildlife
- 303(d) list (Y/N)?	Y
☞ list pollutants	nutrients, D.O.
- TMDL planned/done?	Completed
☞ list pollutants	total phosphorus, total nitrogen, TKN, CBOD
- Drinking Water Intake Downstream? (Y/N)	N
10. Other Issues? (Enforcement actions, etc.)	POTW currently has no significant industrial users. Two categorical users that had been regulated under the program now discharge to the Town of Middletown POTW (no approved pretreatment program) and are regulated directly by EPA. Treatment plant is a lagoon system and does not routinely dispose of sludge until the system is dredged which is very infrequent.
11. Other Improvement Opportunities (e.g., Pollution prevention)	Review of monitoring data submitted with 2003 annual report suggested that more sensitive analytical methods should be used for cyanide, hexavalent chromium, and PCBs in order to better assess whether influent and effluent goals are achieved. Data also showed a one-time spike in influent and effluent zinc levels that exceeded the influent and effluent goals. The cause was not known, but is not believed to be related to industrial waste. No previous exceedances reported since routine monitoring for zinc began in calendar year 2000.